

**LAW ADMISSIONS CONSULTATIVE COMMITTEE AND LEGAL SERVICES
COUNCIL ADMISSIONS COMMITTEE**

REVIEW OF PRACTICAL LEGAL TRAINING CONSULTATION PAPER

SUBMISSION BY THE VICTORIAN LEGAL ADMISSIONS BOARD

Introduction

This submission is made by the Victorian Legal Admissions Board (the Board) after consultation with its constituent committees, the Academic Course Appraisal Committee and the Practical Legal Training Committee.

This submission is interim in nature. It responds only to the questions raised in the feedback form that are of most relevance to the Board.

The Board has commissioned independent research about the issues raised in the Consultation Paper. It has also established a working group comprised of two judges of the Court of Appeal and representatives of the Victorian Bar, the Law Institute of Victoria and the Victorian Legal Services Board and Commissioner to provide the Board with insight into how mooted changes, if instituted, would affect the Victorian legal profession. The working group's deliberations complement the assistance the Board already receives from its two delegate committees.

The Board therefore intends to make a supplementary, more comprehensive submission when it is in receipt of expert advice.

General observations

The results of the recent national survey suggest that there is some dissatisfaction with the cost and quality of some of the practical legal training (PLT) courses currently being provided. The Board supports a careful and comprehensive review of PLT aimed at fixing these problems. The Board has been provided with a copy of the University of Tasmania and Centre for Legal Studies' submission in response to the Consultation Paper and agrees with the observation that the PLT competency standards would benefit from modernisation and simplification. The Board understands LACC was engaged in this process prior to NSW developing a new model for PLT delivery.

However, it appears to the Board that the proposals contained in the Consultation Paper lack foundation and do not emerge from a clear articulation of the problem sought to be solved. The Consultation Paper leverages off the NSW LPAB *Interim Report on PLT Reform* in both content and process and thus reflects NSW's concerns about the cost and quality of PLT and the utility of online content

delivery.¹ The Consultation Paper does not contain a national, empirically based articulation of the concerns that have been identified, how the proposals will meet those concerns, and alternatives to the NSW approach to addressing those concerns.

Given the reforms embrace the three stages of legal education (academic, PLT and post admission training), it can be assumed that the Consultation Paper discerns issues with each. Accordingly, it is suggested that any reform program be developed collaboratively and in consultation with law schools, PLT providers, clinical legal experts, and the profession generally, including staged introduction and timing of any changes.

The Board agrees with the comments on page 7 of the Consultation Paper around the importance of uniformity in any change to law courses and PLT programs. A range of adverse consequences are likely to arise if a fragmented approach is adopted, including unnecessary confusion for students, forum shopping, and cost implications for providers tasked with developing multiple programs. As an example, students' ability to transfer between law schools and the capacity of admitting authorities to be satisfied that the pre-admission education and training requirements have been met may be complicated by universities' different approaches to incorporating skills content into law courses, as between the affected units and the stage of the course skills training is introduced. This fortifies the Board in its view that generational change to the entire system of legal education in Australia should proceed cautiously and collaboratively.

It is also essential that amendments to the *Legal Profession Uniform Admission Rules 2015* occur before any change to the current structure, content and delivery of law courses and PLT can be introduced. Sole reliance on the accrediting power found in rule 7 of the Rules to mandate changes to the delivery of academic law courses and PLT programs could be vulnerable to challenge on the basis that conditions of accreditation are constrained by the purpose of accreditation.

Response to specific consultation questions

Do you support the proposal for the LACC to amend the Accreditation Standards for Australian Law Courses to require law courses to demonstrate how they have included practical teaching and training of the practical skills identified at Appendix F, with appropriate assessment?

No. Law is an academic course. This proposal does not fit in an educational environment. The skills in Appendix F do not map onto Priestley 11 areas of knowledge or the other legislative and regulatory requirements imposed on law schools, including by the Tertiary Education Quality and Standards Agency (TEQSA).

¹ For example, the *Urbis Survey Research Report* found that only 26% of Victorian respondents who supervised graduate lawyers were dissatisfied with their legal skills (see p. 66).

Implicit in the proposal is the assumption that completion of a law degree inexorably leads to legal practice. This is not the case – approximately one third to one half of law graduates pursue non legal careers. Law schools educate graduates for broader horizons, which include the practice of law but not solely for the practice of law. The Board agrees with the following statement:

...studying law is often about more than becoming a lawyer; it is an education in critical thinking, ethical reasoning and policy-based analysis. Johns [Dean of Sydney Law School] says surveys conducted over the past decade suggest that 30–40 per cent of law students – who are required to study law as part of a double degree – have no intention to practise law.²

Requiring new skills development coverage in law degrees to be focused on units that students undertake to satisfy the Priestley 11 requirements is neither necessary nor appropriate. Skills development should be included in units that are specifically designed for that purpose, including smaller student numbers to enable more active forms of learning.

In any event, the ‘embedding’ of practical skills training in academic law subjects appears to be confined to litigation-related subjects (Criminal Procedure and Evidence, Civil Dispute Resolution, and Ethics) rather than those that are transaction-based. The curriculum for litigation-related subjects is already extremely dense and there is simply no room for extra practical legal content.

An alternative approach would be to add more practical legal content as a separate subject. The concern then is what is to be removed to make way for the extra unit? It is to be anticipated that the availability of elective units, which provide a rich source of intellectual stimulation and deep engagement for students, will be compromised.

Further, it is not clear whether the proposed changes anticipate classes being held on campus and in person. Law schools and their universities have invested heavily to develop the expertise and infrastructure to deliver various forms of digital education and this strength should be harnessed.

Law academics themselves are often not practising lawyers and do not have the skills to teach students practical skills. The proposal raises potentially huge resource implications arising from the need to recruit staff with different backgrounds and skill sets. A real question arises as to whether putative teaching staff would be attracted to subjects with limited intellectual content. There are already constraints on recruiting sessional staff, which will be further strained if the proposal is adopted.

Finally, how much of the required PLT is to be undertaken by law schools and how much by the PLT providers? Unless clear guidance on a precise dividing line is

² A Tufvesson, ‘Is Australia Producing Too Many Lawyers’, *Law Institute Journal Online*, <https://lsj.com.au/articles/is-australia-producing-too-many-law-graduates/> <retrieved 7 May 2026>.

given, and followed, graduates will come to the second phase of PLT training with divergent knowledge and skills, meaning that the PLT providers will have to repeat much of the earlier instruction.

In short, the benefits of incorporating PLT into law degrees have not been identified or substantiated, while the practical and legal difficulties associated with the proposal are considerable. It is suggested that the problems with the current arrangements can be addressed more satisfactorily, and sooner, by omitting this aspect of the proposal.

Do you suggest any amendments to the proposed skills schedule (Appendix F) in respect of the knowledge areas and skills to be included in the delivery of law courses, as identified in column three of the table?

In addition to the comments made above, it can be observed that the skills schedule is comprised of disparate discrete items, is mostly prescriptive and inflexible, does not specify educational outcomes, and is weighted in favour of litigation over transactional legal skills. It would be more appropriate, and effective, to identify learning outcomes that applicants should achieve,³ with such learning outcomes taking the evolving and increasingly diverse nature of legal practice into account. In particular, the skills schedule is mostly reflective of commercial models of practice used in large law firms and does not sufficiently accommodate generalist legal practice, government and in-house counsel work, and the work of legal aid and community legal centres.

Although the LPAB's *Interim Report on PLT Reform*, from which the skills schedule derives, saw no need for further training in Indigenous Cultural Competency, Victoria is a Treaty State and this needs to be reflected in legal education, training, and skills development.

Would law schools be able to implement these changes by the beginning of the 2028 academic year, as proposed?

It is likely that many law schools will face challenges to have their curricula approved and, as previously adverted to, have staff with suitable experience available to teach the wide range of practice skills the Consultation Paper identifies as important to graduates (noting the reservations already expressed about the skills statement) by 2028.

Given the introductory comments made about reliance on rule 7 as a mechanism for imposing new and highly significant accreditation requirements, it is assumed legislative amendment will need to occur in advance of any implementation. Experience with the rules pertaining to foreign lawyers demonstrates that it can

³ See for example the Threshold Learning Outcomes for the Bachelor of Laws, *Learning and Teaching Academic Standards Statement December 2010*, Australian Learning and Teaching Council, p. 9, <https://cald.asn.au/wp-content/uploads/2023/11/Threshold-Learning-Outcomes-LLB.pdf> (accessed 7 May 2026).

take years to achieve regulatory change, particularly that as broad in scope as contemplated by the Consultation Paper.

Further, it will be necessary for accrediting authorities to reaccredit law courses against the revised specified academic qualifications prerequisite and PLT providers against the revised specified practical legal training prerequisite. The Board currently accredits 12 law courses across eight law schools and is actively considering an application by one law school to offer a JD degree. It accredits three PLT providers. In light of the foregoing, the Board suggests 2028 is an unrealistic implementation date.

Do you support the proposal of the LACC to amend the PLT Standards to reduce PLT courses to a minimum number of four weeks in length, together with up to one week of pre-reading and viewing of preparatory materials?

No. The length of a PLT course should be determined by reference to educational design principles and the outcomes to be achieved. The Consultation Paper does not make clear how reducing the amount of time that students spend in a PLT program will enhance the preparation of graduates for ethical and effective practice of law; nor does it explain why four weeks is considered adequate. If the outcome to be achieved is competent practitioners at the point of admission as officers of the court, then the length of the course should be determined by what the evidence shows is the minimum time needed to impart the necessary skills.

Do you support the proposal for the LACC to amend the PLT Standards to provide that a PLT course may be, but does not have to be, delivered at a graduate diploma level or equivalent?

No. Unmooring PLT from the Australian Qualifications Framework will mean there is no scaffolding of skills in graduate training. From an access and equity perspective, the proposal will deny students in non-graduate programs the opportunity to engage with the government financial assistance schemes HECS-HELP and FEE-HELP. This means students would be responsible for the full cost of course fees at a time when they would also have accrued significant higher education debt. The proposal will privilege graduates who have employer support to complete PLT.

Regulation by TEQSA is important for monitoring the standards and practices of education service providers. The reform proposals in the Consultation Paper are wide-ranging and will affect legal education at a time when higher education is being transformed by the use of generative AI. These circumstances make the role of education-focused regulation all the more important. If TEQSA is no longer to have a role in supporting standards in non-university PLT programs, there is a clear need for an alternative form of well-resourced regulation. Monitoring will be particularly important during the certification and implementation phases.

The Board agrees with the observation in the Tasmanian submission that the positive impact of PLT providers being subject to regulation by TEQSA under the

Higher Education Standards should not be underestimated. As has been pointed out, the level of oversight and compliance provided through accreditation and regular review of learning outcomes and assessment under the TEQSA framework ensures well recognised, consistent, high level and quality delivery of training across jurisdictions.

Do you support the proposal that the LACC amends the PLT Standards to require that PLT coursework is to be delivered in person or, in exceptional cases (as determined by the PLT provider), by synchronous online delivery?

No. Although in person teaching may encourage social engagement and collegiality, requiring **all** PLT to be conducted face-to-face raises significant equity concerns. These include but are not exclusive to rural and regional students, people with a disability or health condition, people with caregiving responsibilities, and people with employment commitments. Graduates in rural and regional areas without employer sponsorship will be required to meet not only the course fees but the cost of travel to a capital city, four weeks of accommodation, meals and incidental expenses, and associated costs such as childcare. Those with work commitments either need to rely on leave entitlements (assuming they are in stable employment) or forego one month's income. The consequent effects on diversity in the legal profession are, potentially, profound.

Insofar as cost is an animating feature of the proposed PLT reforms, one factor leading to the disappearance of full time in person PLT is the cost of such programs, including premises, staff numbers, and fees to external practitioners brought in to supplement teaching in specific practice areas. The Board therefore queries whether the proposed truncated in-person model of PLT would be materially cheaper than current offerings when the total cost to graduates is assessed.

Although there are many anecdotal views favouring in person learning, the lack of any research presented in the Consultation Paper that finds in person learning is a superior way of delivering content when compared to synchronous online learning is notable. Indeed, well designed and delivered synchronous online learning has been found to have a similar or better success and satisfaction rate as in person teaching.⁴ It depends, as does in person learning, on quality teaching and the provision of opportunities for graduates to learn together.

Perhaps the best way forward would be for PLT providers to offer, in addition to the main course — being an in person one — a range of other courses depending on demand and resources. They could be partially in person and partially online or fully online and could be delivered in either a compressed or extended time period. This would enable graduates to choose the course that best suited their particular financial or personal situation.

⁴ See for example A Gegenfurtner, A Alijagic, S Gabel, O Keskin, 'Synchronous online learning supports cognitive and affective outcomes more than traditional face-to-face and asynchronous online education: A meta-analysis of webinars' (2026) 126 *Learning and Individual Differences* 102862.

Should the option for graduates to undertake Supervised Workplace Training (SWT) as a way of completing PLT be retained?

Although individual responses to this question differed, with some support being expressed for a nationally consistent model of PLT alone and others seeking to retain SWT, it is the Board's experience as a 'gatekeeper' assessing SWT provider applications that SWT is a small but important part of the pre-admission training landscape. SWT enables medium to large law firms and agencies like the Victorian Government Solicitor's Office to provide a tailored 12-month program, rotating through departments and providing mentoring and professional development opportunities. SWT is also utilised by small suburban and regional law firms, offering graduates an opportunity to develop legal practice skills in their local environment.

Clinical legal education

The references to clinical legal education in the Consultation Paper are encouraging, given its ability to make multiple contributions to legal education at the law degree and PLT stage.

Time spent learning in a well-structured clinical program that is focused on developing effective, ethical and reflective professionals is made more valuable by the intentionally developmental supervision of students. Clinical and other experiential learning methods are used extensively in the development of practitioners in most professional disciplines.

The Consultation Paper states at pages 18-19 that "university programs are not designed to teach the day-to-day competencies required for responsible client-facing work, including managing files, exercising professional judgement under real-world constraints, dealing with clients from diverse backgrounds, drafting clear and effective legal documents, or navigating the ethical dimensions of practice in dynamic environments". In fact, there are substantial clinical legal education programs operating in some Australian law schools that involve close supervision of students providing authentic and valuable legal services to clients in ways that enable the development of effective, ethical and reflective professional practice skills.

The use of clinical pedagogy is important given the limited capacity of PLT students to make a significant contribution to the work of the legal practice hosting them for their 15-day workplace experience. Such a period is arguably too short for host practitioners with a range of client and business responsibilities to engage deeply with each PLT student.

However, it cannot reasonably be expected that all skills required for admission will be imparted through clinical programs. Moreover, not all law schools offer clinical legal education and even those that do cannot involve every student in their program.

Supervised legal practice and post admission training

To make the most of learning on the job, newly admitted lawyers can benefit from well-developed reflective practice frameworks, developing the ability to learn from their experiences.

Past experience with articles of clerkship showed that while there were situations where excellent training was provided, there was considerable and unacceptable variation in the articles experience, with not insignificant numbers of articulated clerks receiving little or no substantial training. Without mandatory training and supervision, and independent regulatory oversight of same, there is a real risk of returning to an environment of variability and inadequacy.

The Consultation Paper at page 14 notes Lawcover's concerns that some early career lawyers are not being closely supervised. This is particularly an issue where remote working arrangements are being used. Close supervision of emerging professionals needs to be designed to support quality legal services as well as to develop the skills and professional awareness of the supervisee (what the Consultation Paper identifies as 'an opportunity to mentor and teach early career lawyers'). This requires effective preparation of both supervisors and supervisees.

It is noted that two-thirds of supervisor respondents to the national survey agreed that there is a need for curriculum-based training for early career lawyers. Four days of structured CPD training across two years is not a significant amount.

In its 2026 Risk Outlook, the VLSB+C identified the serious risks generated by supervisory failures, affecting law practices, their employees and their clients.⁵ The VLSBC notes one significant risk is the potential exposure of clients to serious harm caused by incompetent, unethical or unqualified legal advice. Failure by the principal to fully understand what legal work is being undertaken, and for whom, heightens the risk that a law practice will be used by employees of the practice to facilitate fraudulent activity.

The clinical legal education field can contribute valuable frameworks for enhancing the supervision of junior practitioners. The PhD thesis of Michael McNamara⁶ is recommended and the Board can arrange to share resources Professor Jeff Giddings, Chair of the Practical Legal Training Committee, developed as part of a National Teaching Fellowship focused on Effective Law Student Supervision Practices if it would assist the consultation.

⁵ <https://lsbc.vic.gov.au/lawyers/risk-outlook/risk-outlook-2026>

⁶ Available from the Griffith University Library - <https://research-repository.griffith.edu.au/server/api/core/bitstreams/745ab32c-d50e-4851-a419-dbc543f056a0/content>

Concluding comments

The Board appreciates the opportunity to participate in the consultation process and looks forward to making a more substantive submission in due course.

The Board wishes to remind the Legal Services Council that admitting authorities in NSW, Victoria, Western Australia and Queensland have responsibility for assessing the qualifications of overseas graduates and lawyers for the purpose of issuing a direction about further study and training required prior to becoming eligible to apply for admission to the Australian legal profession. The foundational concept undergirding the assessment of foreign qualifications is one of substantial equivalence with Australian law courses and PLT programs. The proposed changes will materially affect how qualification assessments are undertaken and the content of directions. For example, will there be an expectation that foreign applicants will have completed a law degree with an embedded skills component? Will a brief internship or a bar exam be deemed substantially equivalent to a four-week truncated PLT course? Will admitting authorities be required to assess foreign lawyers against each of the skills enumerated in the skills framework?

In Victoria at least, the number of foreign graduate and lawyer applications has been steadily growing and is likely to exceed 500 in the 2025-26 financial year. It is important that this cohort not be overlooked during the consultation process.

Victorian Legal Admissions Board
May 2026